



1616
CASE PH/5-31140A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
GLOCK ET AL.

Art Unit: 1616
Examiner: QAZI, SABIHA NAIM

APPLICATION NO: 10/070,936

FILED: AUGUST 9, 2002

FOR: HERBICIDAL COMPOSITION

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REQUEST FOR RECONSIDERATION

Sir:

This paper is in response to the Office Action mailed February 26, 2003, rejecting claims 1-7 of the above-referenced application. Reconsideration and withdrawal of this rejection is requested for the following reasons:

Claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Muhlebach et. al (WO 99/47525).


The cited reference is NOT prior art under 103(a)/102(e), (f), or (g). The WO 99/47525 application was filed March 3, 1999; and is not available as prior art under the revisions of the American Inventors Protection Act of 1999. International filing dates prior to November 29, 2000 cannot be used under 102(e) for prior art purposes. In fact, publications of international applications filed before November 29, 2000 do not have a 102(e) date at all.

Under pre-AIPA law which applies in this case, WO 99/47525 has a publication date of September 23, 1999, which is after the filing date of the present application. The present application has an effective filing date of September 7, 1999 (i.e. before the publication of the cited reference).

In view of the above, Applicants request withdrawal of the rejections of claims 1-7 under 35 U.S.C. §103(a) based on WO 99/47525, and early issuance of a Notice of Allowability.

Respectfully submitted,

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Date: *may 20, 2003*